

Introduced by Senator Machado

February 22, 2007

An act to amend Section 29770 of the Public Resources Code, relating to the Sacramento-San Joaquin Delta.

LEGISLATIVE COUNSEL'S DIGEST

SB 555, as introduced, Machado. Sacramento-San Joaquin Delta.

The Johnston-Baker-Andal-Boatwright Delta Protection Act of 1992 creates the Delta Protection Commission and requires the commission to prepare and adopt a comprehensive long-term resource management plan for specified lands within the Sacramento-San Joaquin Delta. A person aggrieved by an action taken by a local government or other local agency in implementing a resource management plan may file an appeal to the commission. The commission is required to hear the appeal within 60 days from the date the appeal is filed, unless the commission, either itself or by delegation to the executive director, determines that the issue raised on appeal is not within the commission's jurisdiction or does not raise an appealable issue.

This bill would instead provide that only the commission may determine whether the issue raised on appeal is not within the commission's jurisdiction or does not raise an appealable issue.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 29770 of the Public Resources Code is
- 2 amended to read:

1 29770. (a) Any person who is aggrieved by any action taken
2 by a local government or other local agency in implementing the
3 resource management plan, or otherwise taken pursuant to this
4 division, may file an appeal with the commission. The ground for
5 an appeal and the commission consideration of an appeal shall be
6 that an action, as to land located exclusively within the primary
7 zone, is inconsistent with the resource management plan, the
8 approved portions of local government general plans that
9 implement the resource management plan, or this division. The
10 appeal shall be heard by the commission within 60 days from the
11 date of the filing of the appeal, unless the commission, ~~either itself~~
12 ~~or by delegation to the executive director,~~ determines that the issue
13 raised on appeal is not within the commission's jurisdiction or
14 does not raise an appealable issue.

15 (b) In the absence of an appeal by an aggrieved person, the
16 commission may decide by majority vote to review on appeal any
17 action taken by a local government or other local agency in
18 implementing the resource management plan, or otherwise taken
19 pursuant to this division, for land located exclusively within the
20 primary zone, if the commission believes the action may be
21 inconsistent with the resource management plan, or this division.

22 (c) The commission shall, by regulation, adopt administrative
23 procedures governing those appeals.

24 (d) The commission may comment on projects within the
25 secondary zone that impact the primary zone.